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Conservation Commission Minutes 04/15/2010

Arlington Conservation Commission
 Minutes
 April 15, 2010

Mr. Stevens called the meeting to order at 7:45 p.m. in the second floor conference room of the Town Hall Annex. Present were Nathaniel Stevens, David White, William O'Rourke, Charles Tirone, Catherine Garnett, Ezra Benjamin and Ellen Reed of the Commission and Brian Thomas, Associate Commission member. Also in attendance were Craig Gallagher, Bruce and Susan Wheltle, Virginia Hutchinson, Chris and Suzy Nauman, Susan Gera, Jerry Moscaritola, Doug Stiles, G. Ginnet, D. Hornton and M. Simmons.

7:45 p.m. – Commission Business

Reed/Benjamin moved to approve the 4/1 **meeting minutes** as edited; motion passed unanimously.

7:50pm –**Enforcement**– 70 Bow St

In response to the Enforcement Order issued by the Commission, Mr. Gallagher presented a planting plan to the Commission. Some of the outstanding topics and proposals were unclear to the board Commission so they asked for a site walk in order to resolve these. The planting plan includes a clump birch, pear, English oak, arborvitae hedge, planters for annuals, and 30 by 40 feet of gravel parking area. There is an existing tree at the bikeway access path.

It may be possible to add a planting strip near the rear fence line.

The site walk will be held Tuesday 4/27 at 8am. Mr. Gallagher will modify the drawing of the planting plan per suggestions of the board and mail copies to the Commission prior to the site walk.

8pm – **Notice of Intent** – Lot C Coolidge Rd

This hearing was continued from 3/18/10, for the purposes of arranging peer review of the wetland delineation.

The two firms that have responded to the request for proposals, BSC and Epsilon, were discussed and the proposals and resumes reviewed. The board voted in favor of hiring BSC on the basis that the employees would be more qualified for this work. Ms. Garnett abstained from this vote due to a conflict of interest with the companies.

Mr. Stiles commented that he was concerned that the higher priced estimate is likely to spend the budgeted amount of money sooner.

Mr. Stevens outlined the next steps for payment, accounts and appeals per our local bylaw and Wetlands Protection Act which will be spelled out in a letter from the Commission to Mr. Stiles. An appeal must be based upon a conflict of interest or that the consultant is unqualified to perform the work.

Mr. Wheltle submitted on 4/1/10 complete list of photos of the site with an index. Ms. Beckwith gave a copy of these photos to Mr. Stiles.

The board also received photos and a letter from Mr. Nauman dated 4/13/10. These show Mr. Stiles digging on the site. It was unclear what he was doing.

Mr. Stevens asked Mr. Stiles what activity he was performing. He responded that he was digging three small test holes in order for a landscaper to inspect the soil for tree planting.

Ms. Garnett commented that the Commission should have received notification that this work was being done in the resource areas. In light of the high level of scrutiny of this project, the work might have had the appearance of trying to alter the resource areas prior to the peer review or prior to receiving a permit from the Commission.

After the detailed explanation from Mr. Stiles, the Commission agreed that this was not an egregious violation of the Act or Bylaw as no harm seemed to have been done to the wetland resources. The Commission instructed him to next time notify the Commission in advance. He agreed.

The peer review consultant, in this case, BSC shall contact the applicant's consultant, LEC directly to begin arranging arrange for the site workvisit (once the applicant pays the requested fee and the contract is signed with BSC). Mr. Kirby and Mr. Stiles may accompany BSC while they perform this work.

Mr. Whelple asked about getting a copy of the existing conditions plan. It was not at the Reference Desk at the library. This was an inadvertent omission by Ms. Beckwith and she has requested another copy be sent to us to put in the library.

Mr. Stiles commented that he is willing to have anyone come to the site to look at it, but would like to be contacted first, as the home is occupied by children whose safety must be accounted for. He distributed his cell phone number to the neighbors attending the meeting. He granted permission to Conservation Commission members to visit the site at anytime without having to call him ahead.

Mr. Tirone asserted that under the Wetlands Protection Act that Conservation Commissioners can access a property any time to inspect wetland resource areas.

Ms. Hutchinson of 10 Murray St, commented that her neighbors have been pumping water constantly since the rains of March 15, only stopping in the last few days.

Mr. Moscaritolo of 89 Coolidge Rd said he was also pumping water from this property and that the sewage pipe at the end of the road back up. It is possible this pipe is broken.

Another neighbor commented that losing all the trees on the lot would be tragic.

O'Rourke/Tirone motioned to continue the hearing to 5/20 at 8pm, in order to move forward with the peer review; motion passed unanimously.

8:15pm – **Discussion and Vote** – Kelwyn Manor Park, land-based phragmites control project , DEP File No. 91-212

Mr. Tirone recused himself from this procedure matter as he is a member of the park association.

The board would wanted a condition the work to require requiring incineration of the cuttings so as to prevent spread. They did not want them deposited in the DPW's compost pile or be similarly disposed of.

White/Benjamin motioned to approve the project as conditioned; motion passed unanimously.

The board also received an Arlington Land Steward grant application from the park association for the cost of the wetland plant seed mix for this project. This mix costs \$125 per pound and the project will need 5 pounds of seed.

White/Benjamin motioned to approve this request and forward the recommendation to Arlington Land Trust for granting the full amount of \$625 for the seed mix; motion passed unanimously.

8:30m – **Discussion and Vote** – 18 Hamilton Rd, Spy Pond Condos, shoreline stabilization project, DEP File No. 91-213

This filing was very detailed and well conceived.

Reed/ Benjamin motioned to approve this work as proposed; motion passed unanimously.

Commission Business (cont.)

Mr. Stevens suggested the board work on **revisions to the bylaw regulations**. Items such as the filing fees, the 25 foot setback, the function and nature of working sessions were discussed.

Ms. Reed and Mr. Benjamin noticed very large stockpiles of dirt at the **CVS project** on Mass Ave. Ms. Beckwith will pass along their concerns to the environmental compliance inspectors.

Ms. Beckwith composed and will issue an Emergency Certification to the **repairs of the Bikeway**, as it is immediately adjacent to Geri's Brook. O'Rourke/Benjamin motioned to approve the Certification; motion passed unanimously.

Ms. Beckwith reported that the **Highland Firestation project** has a request for a minor change to move the emergency generator to the rear of the lot. Mr. Tirone said that this was unacceptable.

Meeting adjourned at 10:15pm.

Respectfully submitted,
Corinna Beckwith
Commission Administrator